

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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TIMOTHY J. RIZZO,

Plaintiff,

v.

CIVIL ACTION No.: 6:15-CV-00557

GLOBALFOUNDRIES, U.S., INC. and
APPLIEDMATERIALS, INC.,

Defendants.

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RESPONSE TO DEFENDANTS' STATEMENT OF FACTS

Respectfully submitted,

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Attorneys for Plaintiff
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1. Admit.

2. Deny [Wang Declaration].

3. Deny [Wang Declaration].

4. Deny.

5. Admit.

6. Admit but note that Plaintiff's environmental and chemical exposures were greater than six months [Exhibit "C," ¶ 40; Wang Declaration, ¶¶ 22, 84; Rizzo Affidavit, ¶¶ 18, 27].

7. Deny [Wang Declaration].

8. Deny [Wang Declaration].

9. Admit.

10. Deny [Wang Declaration].

11. Admit.

12. Deny.

13. Deny [Wang Declaration].

14. Deny [Miloslavsky Dep., at 130].

15. Admit.

16. Admit.

17. Admit.

18. Admit.

19. Deny [Miloslavsky Dep., at 141-42].

20. Deny [Miloslavsky Dep., at 57].

21. Admit.

22. Admit.

23. Deny [Miloslavsky Dep., at 147].

24. Admit.

25. Admit although the odds ratio for AAVs as a group was statistically significant [Miloslavsky Dep., at 151].

26. Admit although the odds ratio for AAVs as a group was statistically significant [Miloslavsky Dep., at 151].

27. Admit.

28. Deny [Exhibit "C," ¶ 40; Wang Declaration, ¶¶ 22, 84; Rizzo Affidavit, ¶¶ 18, 27].

29. Admit.

30. Admit.

31. Admit.

32. Deny [Exhibit "C," ¶ 40; Wang Declaration, ¶¶ 22, 84; Rizzo Affidavit, ¶¶ 18, 27].

33. Admit.

34. Admit.

35. Deny [Exhibit "C," ¶ 40; Wang Declaration, ¶¶ 22, 84; Rizzo Affidavit, ¶¶ 18, 27].

36. Admit.

37. Admit.

38. Deny to the extent that that the studies do not involve far higher silica exposures than Mr. Rizzo's and do fit Mr. Rizzo's case [Wang Declaration].

39. Admit.

40. Admit.

41. Admit.

42. Admit.

43. Admit.

44. Admit but note that Mr. Rizzo was similarly exposed to a mixture of different types of solvents and dusts [Wang Declaration].

45. Admit.

46. Deny [Miloslavsky Dep., at 186-88].

47. Admit.

48. Deny [Wang Declaration].

49. Admit but note that Dr. Wang has stated that not having a certification in these areas does not render him unqualified to render an opinion in this matter [Wang Declaration].

50. Admit, however, whether he could provide expert opinions to the Office of Profession Medical Conduct is irrelevant to this case [Wang Declaration].

51. Admit.

52. Admit.

53. Deny to the extent that Dr. Wang treats the pulmonary symptoms related to GPA [Wang Declaration].

54. Deny [Exhibit "A," at 95].

55. Admit however, Dr. Wang testified at his deposition he would not defer to the opinion of a rheumatologist regarding Mr. Rizzo's development of Wegener's at this point in time [Exhibit "A," at 84].

56. Admit but note that he has since conducted a comprehensive literature search and has developed the opinion that Mr. Rizzo's exposures at the Globalfoundries site caused his diagnosis of ANCA associated vasculitis [Wang Declaration].

57. Admit.

58. Deny [Wang Declaration; Exhibit "A," at 272-73].

59. Admit.

60. Admit.

61. Admit.

62. Admit.

63. Deny to the extent that Dr. Wang testified that the Napierska article is a review of multiple studies [Exhibit "B," at 302].

64. Admit.

65. Admit.

66. Admit but note that article reviews multiple studies [Exhibit "B," at 302].

67. Admit.

68. Admit.

69. Deny except admit that Cooper 2009 discusses *in vitro* data [Exhibit "B," at 371].

70. Admit.

71. Admit.

72. Admit but note that Dr. Wang testified that the Miller article does make findings and/or conclusions regarding ANCA associated vasculitis [Exhibit "B," at 331-32].

73. Admit but note that Dr. Wang specifically testified that the Miller article did draw a causal association with AAVs [Exhibit "B," at 361].

74. Admit.

75. Admit.

DATED: January 30, 2017

Respectfully submitted,

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